

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Shaquan M. Seth,

Plaintiff,

—v—

City of New York, *et al.*,

Defendants.

JAN 06 2020

19-CV-1960 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Before the Court is Judge Aaron’s Report & Recommendation (“R & R”) recommending that the Court dismiss this action with prejudice for failure to prosecute. *See* Dkt. No. 40.

When considering the findings and recommendations of a magistrate judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no objections to the R & R. *Brennan v. Colvin*, No. 13-CV-6338 (AJN) (RLE), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *see also Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F.Supp.2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-CV-8265 (DAB) (MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).


Objections to Judge Aaron's R & R were due by December 23, 2019. *See* Dkt. No. 40 at 7. As of the date of this Order, no objections have been filed. The Court thus reviews the R & R for clear error and finds none. The Court therefore adopts the R & R in its entirety and DISMISSES this action with prejudice, on the grounds described by Judge Aaron.

The Court further finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is respectfully directed to close this case. Chambers will mail a copy of this order to the Plaintiff and note its mailing on the public docket. In light of the fact that previous mailings to Plaintiff by the Court have been returned, the Court will also send a copy of this order to Plaintiff by e-mail.

SO ORDERED.

Dated: January 9, 2020
New York, New York



ALISON J. NATHAN
United States District Judge